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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

**NEWPORT NEWS LIGHT & WATER CO. v. PENINSULA
PURE WATER CO.**

Jan. 16, 1908.

[59 S. E. 1099.]

Waters—Water Companies—Regulation—Corporation Commission—Jurisdiction.—Acts 1902-04, p. 974, c. 609, subc. 2, § 19 [Code 1904, § 1294b, cl. 19], authorizing any person aggrieved by anything done by any public service corporation doing business in the state to complain before the State Corporation Commission, sitting as a court of record, etc., when considered in connection with Acts 1902-04, p. 141, c. 147, § 16 [Code 1904, § 1313a, cl. 16], and Const. art. 12, § 156, pars. "a," "b," "c" [Code 1904, pp. ccli-ccliii], providing that in all matters pertaining to public control, the commission shall have the powers of a court of record, with authority to require all corporations doing business in the state to perform any public duty, etc., gives to the commission authority over corporations in the discharge of their public duties, and does not confer jurisdiction to determine cases against such corporations in which the matter in controversy relates primarily to injuries to private property rights, and only affects the public incidentally, and the commission has no jurisdiction of a controversy between public service corporations engaged in supplying water to towns, resulting from one of them occupying with a system of water mains the same streets occupied by the other.

DEVINE v. COMMONWEALTH.

Jan. 16, 1907.

[60 S. E. 37.]

1. Criminal Law—Evidence—Other Offenses.—Where, on a trial for selling intoxicating liquor without a license, the prosecution elects to prosecute for selling liquor to a person named, it cannot prosecute him for selling to other persons, nor prove that he made sales to others in aid of its proof that accused is guilty of selling to the person named.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 14, Criminal Law, §§ 822-834; vol. 29, Intoxicating Liquors, § 286.]

2. Intoxicating Liquors—Offenses—Evidence.—Where, on a trial for the sale to a person named of intoxicating liquors without a